



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: City of South Haven; 1st Choice Marine; J&B Landing Marina

In Reply Refer To: Corps File No. LRE-1983-530041

Date: July 3, 2007

Expires: July 23, 2007

Proposed Marina Developments in wetlands adjacent to and in the Black River (Van Buren Co.) at South Haven, Michigan

Co-Applicant #1: City of South Haven, 539 Phoenix Street, City Hall, South Haven, MI 49090

Co-Applicant #2: 1st Choice Marine, LLC, 815 East Wells Street, P.O. Box 565, South Haven, MI 49090

Co-Applicant #3: J & B Landing Marina, 750 East Wells Street, South Haven, MI 49090

Project Location: in wetlands adjacent to and in the Black River, Section 3, Township 1S, Range 17W, South Haven, Van Buren County, Michigan. The site is located at Dunkley Avenue and East Wells Street.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Land and Water Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to mechanically dredge a total of 102,850 cubic yards of bottom soils and sediments from 6.38 acres (5.51 acres existing open water and 0.87 acres of non-open water wetlands) to construct a marina basin and 80 foot wide open water connecting channel to the Black River, with offsite upland disposal of the materials removed. Construct a silt collection basin within the channel. Construct a total of 1,866 linear feet of sheet steel bulkhead along the connecting channel and within the marina basin. Discharge 1,483 cubic yards of sand (dredge spoils or commercial source as bulkhead backfill. Discharge a total of 945 cubic yards of broken concrete riprap from a commercial source along the toe of 1,866 linear feet of bulkhead. Discharge 1,090 cubic yards of broken concrete riprap from a local commercial source along 540 linear feet of shoreline. Construct a marina with a capacity for 155 boats (141 boat slips and 14 broadside moorings) with four main

piers (224', 306', 342', and 326' by 8' wide) with a total of 63 40-foot by 3' wide fingerpiers, and five free standing 40' by 3' piers off the channel, and place a total of 146 spring piles. Construct an 18' x 45' haul out well. Construct 1,990 linear feet of 15' wide wooden boardwalk elevated approximately 3.5' above the OHWM water elevation. The applicants propose mitigation on an agricultural site located about 5 miles east of the proposed project site.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Michigan Department of Environmental Quality – NREPA, 1994 PA 451, Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; Part 31, Water Resource Protection; and Sec. 404, Clean Water Act. (MDEQ File No. 05-80-0061-P)

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-1983-530041 / 05-80-0061-P. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Henry.Rosenfield@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and

evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

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Additional Information: Questions concerning this application may be directed to Henry Rosenfield at the Corps of Engineers address listed above, or telephone number (313) 226-6706.

FOR THE DISTRICT ENGINEER:

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.